(37)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3851 of 2005

Petitioner — Tukaram Sen, aged 57 years, S/o Shri Gendu Ram Sen, Assistant Teacher, Primary School Bhode, R/o Ward No. 7, Jangalpara Nagri, District – Dhamtari C.G.

Versus

Respondents
1. State of Chhattisgarh, Through Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Commissioner, Tribal Caste, Scheduled Backward Class and Minority Department, Raipur C.C.
3. Collector, District- Dhamtari, C.G.
4. District Coordinater, Tribal Caste Welfare Department, District- Dhamtari (C.G.

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Ramakant Mishra, Advocate for the petitioner.
Shri Sushil Dubey, Govt. Advocate for the respondents/State.

ORDER

(Passed on this 14th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher at Primary School, Bhode, District- Dhamtari was transferred to Primary School, Bahulpara, Block - Nagri, on the same terms and conditions, vide impugned order dated 30.8.2001 (Annexure A/1).
2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 16.10.2001 directed to maintain status quo in regard to the position of the petitioner as was prevailing on 22.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer

order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can entertain judicial review only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur